IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Con.Case(C).No. 327 of 2007(S)

AGAINST THE JUDGEMENT IN W.P.(C).NO.19200/2002.

.....

PETITIONER/PETITIONER:

IDUKKI DISTRICT CO-OPERATIVE BANK EMPLOYEES ASSOCIATION, IDUKKI COLONY P.O., IDUKKI, REPRESENTED BY ITS VICE PRESIDENT, T.M.ISSAC, S/O.MATHAI, AGED 58 YEARS, RESIDING AT THURUTHIYIL HOUSE, KOTTAPADY P.O., KOTHAMANGALAM, ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.JOSE.

RESPONDENT/3RD RESPONDENT IN THE WRIT PETITION:

M.K.SASEENDRAN, (AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)NOW WORKING AS THE JOINT REGISTRAR OF CO-OPERATIVE(GENERAL) IDUKKI AND IN CHARGE OF THE PART TIME ADMINISTRATOR, IDUKKI DISTRICT CO-OPERATIVE BANK LIMITED, IDUKKI COLONY P.O, IDUKKI DIST.

BY SPL.GOVERNMENT PLEADER SMT. A.G. ANEETHA.

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 22/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

CONTEMPT CASE(C) NO.327/2007-S

JUDGMENT

The petitioner is the petitioner in Annexure A1 judgment. This contempt application is filed, alleging that the present Administrator of the 3rd respondent Bank has violated the undertaking given on behalf of the Bank before this Court, which is recorded in Annexure A1 judgment, to the effect that respondents 4 and 5 will not be put in charge of the post of General Manager. The petitioner submits, in violation of the said undertaking, the 5th respondent therein has been put in charge by the present Administrator. The relevant portion of the said judgment reads as follows:

> "3. I heard the learned counsel for the petitioner, the learned Govt. Pleader for respondents 1 and 2, the learned standing counsel for the 3rd respondent and the learned counsel appearing for respondents 3 and 4. In view of the amendment to the Kerala Co-operative Societies Rules, respondents 4 and 5 could not be promoted to the post of General Manager. In view of the allegations against them, they have not been put in charge also. The learned Govt. Pleader submitted that the vigilance enquiry into the allegations against respondents 4 and 5 is going on. The above submissions will redress the grievance of the petitioner."

Going by the above quoted portion of the judgment, it is difficult to hold

that the 3rd respondent has given an undertaking that the 5th respondent will not be put in charge of the post of General Manager. It would appear that this Court noticed the fact that because of the allegations against respondents 4 and 5 therein, they have not been put in charge of the post of General Manager. It is difficult to interpret the said words as an undertaking given on behalf of the 3rd respondent. But, if those allegations against the 5th respondent therein are still there and ignoring them, he has been put in charge, the petitioner has to challenge the same in appropriate proceedings. Subject to that right and without prejudice to the contentions of the petitioner concerning the same, this contempt application is closed.

22nd February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/